IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

Bail Appl..No. 4011 of 2007()

CRIME NO. 303/07 OF CHERPU POLICE STATIOIN, THRISSUR

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PETITIONER : ACCUSED NO.2:

SHAJAN, AGED 21 YEARS, S/O.MOHANAN,
THALAPPILLY HOUSE, AARATTUPUZHA, THRISSUR DIST.

BY ADV. SRI.V.M.SYAM KUMAR
SMT.C.B.SUMA DEVI

RESPONDENTS: PETITIONER:

STATE OF KERALA (S.I. OF POLICE
CHERPU POLICE STATION (CR.303/07), REPRESENTED
BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 4011 of 2007

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Dated this the 3rd day of July, 2007

O R D E R

Application for regular bail. Altogether there are four accused persons. The petitioner is the second accused. The crux of the allegations is that the petitioner, along with accused 3 and 4, went to the victim girl in a motor cycle. The second accused got the girl on his motor cycle and took her away. They went for a film. Later the second accused placed her at the disposal of the first accused. All the four again assembled at the house of the first accused, where accused 2 to 4 indecently assaulted and facilitated the commission of rape on her by the first accused. The petitioner was arrested on 6.6.2007. All the accused have been arrested. They are all continuing in custody.

2. Learned counsel for the petitioner submits that the petitioner is absolutely innocent. The second accused is at any rate not alleged to have committed rape himself on the victim. In these circumstances a lenient view may be taken and the petitioner may be enlarged on bail, it is prayed.

3. The learned Prosecutor opposes the application. He points out that it is the petitioner who played the most crucial role to facilitate the offence of rape against the victim. The girl is below the age of consent under law. In these circumstances this court may not grant bail at this stage, submits the Prosecutor.

4. I find merit in the opposition raised. In a serious crime like this, the Investigators are entitled for reasonable further time to complete the investigation. In coming to this conclusion I have inter alia taken note of the nature and gravity of the allegations, the precise role allegedly played by the petitioner and the stage of the investigation.

5. This application is, in these circumstance, dismissed. But I may hasten to observe that the petitioner shall be at liberty to move the learned Sessions Judge or this court for bail again at a later stage of the investigation, not at any rate, prior to 18.7.2007. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

(R. BASANT)
Judge

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